

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Case No. 06-mj-074-01

Russell M. Kanning

O R D E R

Defendant has been found guilty of four (4) Class C misdemeanors. Sentencing has been set for September 6, 2006. Detention under these circumstances is not usual. However, at least twice during open court the defendant stated that he had no intention of appearing as ordered - even after being advised that the failure to appear would constitute a federal crime. The government moved for detention based upon a risk of nonappearance - according to the defendant a certainty of nonappearance.

Defendant is ordered detained until sentencing as he is a risk of nonappearance.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable

opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: August 1, 2006

cc: Robert Kinsella, Esq.
Russell M. Kanning
U.S. Probation
U.S. Marshal